

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

RUBEN ESCANO,

Plaintiff,

v.

Civ. No. 22-360 DHU/GJF

RCI LLC, TIMESCAPE RESORTS LLC,
STEPHEN BRADLEY, MEXICAN
RIVIERA RESORTS UNLIMITED, and
JOHN DOES 1–10,

Defendants.

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL

THIS MATTER is before the Court on the Motion to Withdraw [ECF 103] (“Motion”), filed by counsel for Defendant Mexican Rivera Resorts Unlimited (MXRRU). The Motion is unopposed.¹ Therein, MXRRU’s attorneys “move to withdraw from this matter and to be relieved of any further obligations related to same.” Mot. at ¶ 2. The Motion represents that “[o]n Wednesday, June 21, 2023, Defendant MXRRU advised [its attorneys], that they no longer have any authority to act on behalf of Defendant MXRRU for any matters relating to this litigation” and that “Defendant MXRRU consents to the withdrawal of [its attorneys].” *Id.* at ¶¶ 1, 3. Because the unopposed Motion (1) “indicate[s] consent of the client represented by the withdrawing attorney[s]” and (2) provides “the client’s address and telephone number,” the Court will **GRANT** the Motion. D.N.M.LR-Civ. 83.8(a).

In granting the Motion, the Court observes that MXRRU no longer has an attorney of record in this case. The Local Rules, however, provide that a business entity such as MXRRU

¹ The Motion represents that “[it] is not opposed by Defendants RCI, LLC; Timescape Resorts, LLC; and Stephen Bradley.” Mot. [ECF 103] at ¶ 7. “Plaintiff Ruben Escano would not provide a position on this [M]otion” by the time it was filed on June 28, 2023. *Id.* And because “the time prescribed for [responding]” has passed, Plaintiff’s lack of response “constitutes [his] consent to grant the [M]otion.” D.N.M.LR-Civ. 7.1(b), 7.4(a).

“can appear only with an attorney.” D.N.M.LR-Civ. 83.8(c). Furthermore, “[a]bsent entry of appearance by a new attorney, any filings made by the corporation, partnership or business entity other than a natural person may be stricken and default judgment or other sanctions imposed.” *Id.*; *see also* Mot. at ¶ 6 (notifying MXRRU of this warning).

IT IS THEREFORE ORDERED that the Motion is **GRANTED** and that attorneys James Peterson and Michael Moffett, and the law firms Peterson Legal P.A. and Maldegen, Templeman & Indall, LLP, are hereby withdrawn as counsel for MXRRU.

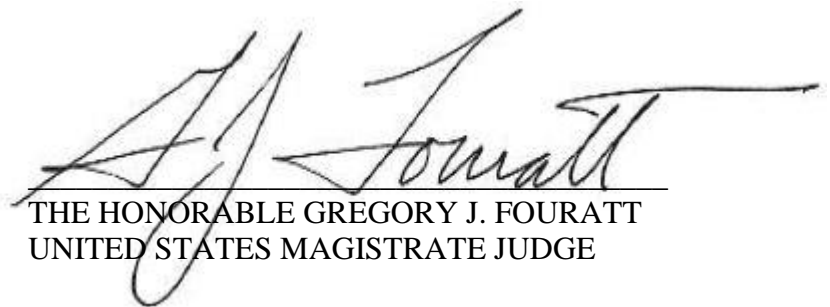
IT IS FURTHER ORDERED that the Clerk’s Office shall update the case file in CM/ECF to reflect that MXRRU is no longer represented by counsel and that its contact information is:

Mexican Riviera Resorts Unlimited
Boulevard Kukulcan Km 7
Cancun, Quintana Roo
Mexico
Phone: 01152 998 2874100 ext. 6106 | (800) 040-3635

IT IS FURTHER ORDERED that the Clerk’s Office shall mail MXRRU a copy of the instant order [ECF 107].

IT IS FINALLY ORDERED that, no later than **August 31, 2023**, MXRRU shall either (1) appear via counsel or (2) show cause as to why the Court should not enter default judgment and/or impose other sanctions against MXRRU.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE